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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLAKELY SOKOLOFF TAYLOR & ZAFMAN			EXAMINER	
12400 WILSH LOS ANGELE	IRE BOULEVARD, SEVENTH FLOOR S, CA 90025		KIELIN, ERIK J	
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		•	2813	
	DATE MAILED: 04/24/2003			

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1 and 2, drawn to drawn to a heater for an LCD, classified in class 349, subclass 141.
 - II. Claims 3-34, drawn to an LCD, classified in class 349, subclass 155.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because there exists no requirement in the combination for the heater to be embedded in the dummy cell. The subcombination has separate utility such as being heater for excitation of the liquid crystal than for merely heating the LCD to some operating temperature.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. This application contains claims directed to the following patentably distinct species of the claimed invention of Group II:

- A. One of the following species of conductive electrodes for the heater must be elected:
- A-1. Elongate metal strip or rod electrodes (claims 7 and 8 appear to read on this)
- A-2. Flexible printed circuit (claim 9 appears to read on this)
- A-3. Electrodes with a heat seal (claim 10 appears to read in this)
- A-4. Electrodes with a protective coating (claims 11, 13, and 14 appear to read on this)
- A-5. Electrodes with mechanical means to enhance electrical contact between the ITO heater surface (claims 12 and 15 appears to read in this)
- B. One of the following species of adhesive for the conductive electrodes must be elected:
- B-1. Anisotropic conductive film (claims 5 and 16 appear to read on this)
- B-2. Conductive glue (claim 6 appears to read on this)
- C. One of the following species of substrate location of the heater must be elected:
- C-1. The upper substrate (claims 18 and 22 appear to read on this)
- C-2. The lower substrate (claims 19 and 23 appear to read on this)
- C-3. The upper and lower substrate (claims 20 and 24 appear to read on this)
- D. One of the following adhesives for the conductive perimeter adhesive of the substrates must be elected:
- D-1. An epoxy resin (claim 25 appears to read on this).
- D-2. An epoxy resin and conductive spacers (claim 26 appears to read on this)
- D-3. A high resistivity conductive epoxy resin (claim 27 appears to read on this)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In other words, one species from each of A, B, C, and D, above, must be elected. Currently, claims 3, 4, 17, 21, 29-34 are generic to the invention of Group II and will be examined along with the elected species.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable

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thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 703-306-5980. The examiner can normally be reached on 9:00 - 19:30 on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached at 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Erik Kielin

April 23, 2003